

Remarks

I. Status of the Claims

In the Office Action, the Examiner indicated that claims 1-22 are pending, 1, 2, 12 and 13 are rejected. Claims 3-11 and 14-22 are objected to.

II. Telephone Interview with Examiner

Applicant thanks Examiner Tuan Dam for his time and courtesy in a telephone interview 6/6/2006. In the interview, the Examiner confirmed that, in paragraph 4 of the Office Action, “Claim 1 is not limited...” should have read, “Claim 12 is not limited...”. The Examiner also suggested a claim amendment to overcome the 35 USC 101 rejection of claim 12.

III. Rejection of Claim 12 under 35 U.S.C. §101,

In paragraph 4 of the office action, the Examiner rejected claim 12 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

In the telephone interview referenced above, the Examiner confirmed that the rejection under 35 USC § 101 was intended to apply to claim 12, not to claim 1.

Method claim 12, which has been combined with claims 13 and 14 as amended claim 14 to overcome rejection of claims 12 and 13, includes “stored on a computer readable media” as suggested by the Examiner in the telephone interview. Applicants believe the rejection of claim 12 (now amended claim 14) under 35 USC § 101 has been overcome and asks that the rejection be withdrawn.

IV. Rejections of Claims 1-2 and 12-13 are rejected under 35 U.S.C. 103(a)

On page 3, paragraph 5, of the Office Action the Examiner rejects claims 1-2 and 12-13 under 35 U.S.C. 103(a) as being unpatentable over Benitez (US Patent #6,189,141) and further in view of Wolf (US Patent #6,567,976).

In response to the rejections under 35 USC § 103(a), Applicants cancel claims 1, 2, 12, and 13.

V. Objections to Claims 3 and 14

The Examiner states in paragraph 6 of the Office Action that “Claims 3 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

In paragraph 6 of the Office Action, the Examiner further states: “Claims 4-11 are allowed because they depended on claim 3. Similarly, claims 15-22 are allowed because these claims depended on claim 14.” Applicants assume that the intent is that claims 4-11 and claims 15-22 are allowable upon amendment of claims 3 and 14 to overcome the objections to claims 3 and 14. The PTOL-326 form attached to the Office Action, item 7 lists claims 3-11 and 14-22 as objected to.

Applicants have amended claim 3 to include all of the limitations of claim 1 and claim 2 as suggested by the Examiner. Applicants believe this amendment overcomes the objection under 35 USC § 103(a) to claim 3. Applicants believe that claims 4-11 are allowable as amended, as they depend from the now believed allowable claim 3.

Applicants have also amended claim 14 to include all of the limitations of claim 12 and claim 13. Applicants believe this amendment overcomes the objection 35 USC § 103(a) to claim 14. Applicants believe that claims 15-22 are allowable, as they depend from the now believed allowable claim 13.

V. Conclusion

In view of the foregoing comments and amendments, Applicant respectfully requests that the application, with claims 3-11, and 14-22 be passed to issue.

Respectfully submitted,
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